

REMARKS

The Office Action dated May 23, 2003, has been carefully considered. In the Office Action, claims 2-6 and 9-12 stand withdrawn. Claims 13-16 were indicated to be allowed and claims 7 and 8 were objected to as being in dependent form, but were otherwise indicated to be allowable. Only claim 1 was rejected on the prior art. By way of this amendment, a new Power of Attorney form has been filed herewith and supporting Assignment documentation to show that the Power of Attorney form is by the Assignee of record. Accordingly, Applicant reminds the Patent Examiner that correspondence should now be sent to the undersigned attorney. Small entity status is also now claimed. By way of this amendment, Applicant has amended claims 1, 7, and 13. Claims 1-16 remain in the patent application (although certain claims have been withdrawn pending the indication of allowance of generic claims). Applicant respectfully requests reconsideration and reexamination in view of the foregoing and the following remarks.

First, as an initial matter, Applicant and specifically the new Assignee of record has reviewed the level of coverage previously presented in the claims and Applicant believes that certain words could potentially have a narrow construction. Accordingly, several voluntary broadening amendments have been presented to avoid the possibility of a narrow claim construction. It is not believed that this will affect the prosecution to date, but is merely being done to ensure that Applicant is entitled to the proper scope of protection that it is lawfully entitled.

With this being said, and although all of the other amendments are broadening amendments and do not relate to the Final Office Action, one narrowing amendment is presented to claim 1 (namely, the added last paragraph only) to more clearly define the present invention over the cited Hasler et al. reference. In the Office Action, the Patent Examiner asserted that claim 1 is anticipated by Hasler et al. Claim 1 as amended clearly differentiates Hasler et al. such that an anticipation rejection is clearly not proper. In particular, claim 1 recites "a gage surface located downstream of the knife and including a position intersecting the axis such that the gage surface is adapted to engage a downstream end of the rod for gaging rods for cutting." In contrast, there is no such downstream gage surface in Hasler et al. Specifically, the asserted gage pin 18 noted by the Examiner in Hasler et al. is upstream rather than "downstream" of the knife as claimed and does not intersect the

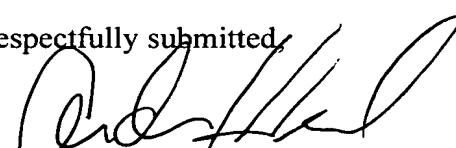
recited axis as claimed for gauging rods when cut. In contrast, there is nothing downstream in the cited Hasler et al. reference to gage the stock material, otherwise it would obstruct the discharge and output of the material. Accordingly, there can also be no modification of Hasler et al. to include a downstream gage surface as is recited in the claims. Further, it should be noted that Hasler et al. relates to a yarn-cutting device, and such a downstream gage surface would be ineffective since yarn, unlike rod material, cannot have its length gaged by a downstream gage surface due to the absence of any rigidity whatsoever to yarn material. Accordingly, the rejections based on Hasler et al. are respectfully requested to be withdrawn.

It is believed that the application is in good and proper form for the issuance of a Notice of Allowance. Believing that there are now generic claims in the patent application, Applicant respectfully requests the Patent Examiner to reinstate all of the pertinent withdrawn claims including claims 2-6.

CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Andrew J. Heinisch, Reg. No. 43666
LEYDIG, VOIT & MAYER, LTD.
6815 Weaver Road, Suite 300
Rockford, Illinois 61114-8018
(815) 963-7661 (telephone)
(815) 963-7664 (facsimile)

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